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Summary record of the 23rd meeting
Held at Headquarters, New York, on Tuesday, 7 November 2006, at 10 a.m.

Chairman: Mr. Acharya ..... (Nepal)
later: Mr. Andersson (Vice-Chairman) ..... (Sweden)

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The meeting was called to order at 10.15 a.m.

Agenda item 32: Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (*continued*) (A/61/500, A/61/330, A/61/331, A/61/328, A/61/329 and A/61/327)

1. **Mr. Gidor** (Israel) said that the speeches delivered at Fourth Committee meetings did not produce any results or have any bearing on the well-being of the Palestinian people in the Gaza Strip and the West Bank. The preparation of resolutions, reports, statements and documents by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories represented a shameful waste of resources whose only effect was to further undermine the credibility of the United Nations. The full name of the Special Committee established a priori the conclusions of the investigations and reflected the one-sided nature of its mandate. The fact that less than half of that body's membership voted to renew the Special Committee's mandate reflected the international community's view of its work. His delegation called on Member States not to sanction the work of the Special Committee.

2. The Palestinians themselves should actively pursue measures in order to improve their own situation. In 2005, the living conditions of the Palestinian people had improved in terms of gross domestic product, volume of bilateral trade and a higher level of employment. In 2005, Israel had withdrawn its army and communities from Gaza and in February 2006 its people had elected a new Government committed to an unprecedented realignment of its forces and civilian population in the West Bank. It was unfortunate that the Palestinians had responded by electing a Hamas Government and by escalating Gaza-based terrorist activities directed against Israeli towns and villages. It was also unfortunate that the Palestinian leadership had not heeded the cautionary words of the Quartet, which had urged all parties to renounce violence and terror, to accept Israel's right to exist and to disarm in the framework of the road map. The international community had been left with no alternative but to sever links with the Hamas Government because the Palestinian leadership had continued to consolidate its terrorist links with the Syrian Arab Republic and the Islamic Republic of Iran. Hamas itself was responsible for plunging the Palestinian people into deeper levels of misery, deprivation and despair. His Government could not be held responsible for the consequences of the poor choices made by others. The Palestinians were free to elect a peace-pursuing Government.

3. His Government wished to make it clear that it was willing to discuss the human rights situation in the West Bank and Gaza Strip. Each year the situation in that region was examined by foreign government agencies, including the United States Department of State, the European Union, United Nations bodies and non-governmental organizations (NGOs). However, it was a pity that those bodies investigated Israeli actions but did not investigate the actions of the Palestinian Authority, which violated the human rights of its own people. It was important to ask why the Special Committee only investigated the actions of one side. That imbalance did not stop with the Special Committee. The Division for Palestinian Rights and the Committee on the Exercise of the Inalienable Rights of the Palestinian People were two other redundant bodies that disseminated anti-Israeli propaganda and did not adhere to the principles of the Charter of the United Nations. In that regard, during 2006-2007, the Organization had spent an astonishing $6.7 million of regular budget funds on the Special Committee, the Division for Palestinian Rights, the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the special information programme run by the Department of Public Information, compared with the regular budget of $9.7 million earmarked for Africa.

4. The draft resolution under consideration claimed to deal with the latest events in the Gaza Strip but in fact recycled familiar anti-Israeli rhetoric. It was important to provide an accurate account of the latest events in the Gaza Strip, which included an Israeli military counter-terrorist operation that had been concluded on 7 November 2006 and that had been triggered by the daily attacks of Qassam rockets directed against the civilian population centres deep inside Israeli Territory. The work of the Special Committee did not serve the agenda or priorities of the United Nations as a member of the Quartet. His Government called on Member States to withdraw their support for the Special Committee, whose report had presented a one-sided picture of the situation in that region, and urged the Palestinians to focus on finding a

peaceful solution by severing all links with terrorist groups, accepting all existing agreements and reopening direct and sincere peace negotiations. It called on Member States to take constructive measures to assist the Israeli and Palestinian peoples in their attempt to find a solution to the conflict.

5. **Mr. Ali** (Sudan) said that the Palestinian people were being subjected to collective punishment for daring to exercise their democratic right to elect a Government of their choice: international assistance had been suspended, while Israel withheld tax revenues owed to the Palestinian Authority. Those and other brutal Israeli measures, of which the merciless attack on a peaceful women's demonstration in Beit Hanoun was but one more example, were aimed at breaking the Palestinians' steadfast resistance over the previous half century. The construction by Israel of the separation wall in the West Bank, in defiance of the advisory opinion of the International Court of Justice continued unabated, and Palestinians from all walks of life continued to suffer from ill-treatment at the hands of Israeli soldiers.

6. Internationally recognized resolutions were unanimous in regarding the Israeli Knesset's resolution annexing the Golan as null and void and in condemning Israel's behaviour there. But Israel continued to implement policies in the Golan, such as the recent excavations for the construction of a dam in violation of the Disengagement Agreement and the Geneva Conventions, that clearly demonstrated it was not interested in peace. It also continued to dump nuclear waste near the Syrian border and lay mines that caused death and interfered with agricultural production.

7. Although the Committee had been prevented by Israel from making field visits to the Occupied Territories, its report contained sufficient evidence of the deterioration in living conditions there. The Zionist entity's claims of self-defence were a spurious pretext for policies that were creating a human catastrophe at all levels. The international community must put an end to Israel's inhumane practices and force it to comply with international resolutions. His delegation supported the recommendations of the Special Committee, particularly the one regarding the imposition of possible sanctions against Israel if it persisted in ignoring its international obligations; it also supported the draft resolution on Israeli practices.

8. **Mr. Huimasalo** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, and Serbia; and, in addition, Iceland, Liechtenstein, Norway, the Republic of Moldova and Ukraine, said that the European Union remained committed to the two-State solution laid out in the road map and agreed by the parties. That solution would result in a viable, contiguous, sovereign and independent Palestinian State existing side by side with Israel in peace and security. The established European Union position did not recognize any change to the pre-1967 borders other than those arrived at by agreement between the parties.

9. There was an urgent need to work together on finding a comprehensive and peaceful solution to the Arab-Israeli conflict. The European Union remained deeply concerned at the continued Israeli operation in the Palestinian Territories and deplored the resultant loss of civilian life. It called on the Palestinian leadership to bring an end to violence and terrorist activities and urged the Government of Israel not to resort to disproportionate action in exercising its legitimate right to self-defence or to carry out extrajudicial killings, which were contrary to international law. It called for the immediate and unconditional release of the abducted Israeli soldier and the immediate release of Palestinian ministers and legislators in Israeli custody. The fact that some detainees were not promptly informed of the reason for their detention was a matter for concern.

10. The European Union acknowledged the advisory opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory. It demanded that the Government of Israel should stop and reverse the construction of the separation barrier in the Occupied Palestinian Territory, including in and around Jerusalem. Construction of that barrier could prejudge the final borders of a future Palestinian State. The European Union urged the Government of Israel to cease all activities in the Palestinian Territories, including settlement building, the construction of the separation barrier and the demolition of Palestinian homes. The Government of Israel must cease all discriminatory treatment of Palestinians in East Jerusalem and fully implement the Agreement on

Movement and Access. It should facilitate the delivery of humanitarian assistance and reopen the crossings. Clarification should also be provided on the exact rules and procedures applied to European Union citizens wishing to visit Israel or the Palestinian Territories. The European Union supported President Abbas and urged Palestinians to join his efforts towards national unity and the formation of a Government reflecting the Quartet principles. It reiterated its continuing support to Israeli and Palestinian efforts to advance the peace process.

11. **Mr. Ahmad** (Pakistan), noting that his delegation supported the work of the Special Committee, expressed deep concern over the escalation in violence and the continuing deterioration of the socio-economic and humanitarian situation in the Occupied Territories. The hardship and financial crisis had been exacerbated by the social and economic blockade and the withholding of value added tax and customs payments by the Government of Israel. The continuing construction of the separation wall, the expansion of settlements and restrictions on the free access and movement of Palestinians were human rights violations in themselves. With regard to the wall, his delegation expected an early establishment of the Register of Damage. Extrajudicial killings, illegal detention and the torture and inhumane treatment of detainees were the worst signs of occupation. It was distressing that the number of Palestinian prisoners in Israeli jails exceeded 9,000. The Special Committee's observation that conditions in the Occupied Territories had considerably worsened since 1968 was particularly alarming. He called on all sides to reject violence and to respect their obligations under international human rights and humanitarian law.

12. It was necessary to end the occupation in order to stop the violations of the human rights of the Palestinian people. Pakistan supported the legitimate struggle for self-determination and freedom of the Palestinian people. The Organization had a responsibility to resolve the question of Palestine in all its aspects in a satisfactory manner in accordance with international law. A just, lasting and peaceful settlement of the question of Palestine was necessary to establish lasting peace and stability in the Middle East. A durable solution could not be imposed by force or unilateral actions.

13. Simultaneous confidence-building measures were needed to pave the way for negotiations. Israel should, inter alia, end its military campaign in Gaza, release Palestinian prisoners, halt construction of the separation wall, freeze settlement activities, release customs and value added tax payments to the Palestinian Authority and accept negotiations with the Palestinian Authority led by President Abbas. The Palestine side should halt rocket attacks and violence, secure the release of the captured Israeli soldier, and establish a national unity Government under President Abbas to open negotiations with the Government of Israel, among other things.

14. Those confidence-building measures should lead to resumption of direct peace negotiations and a new timeframe should be set for the attainment of the two-State solution. Efforts should also be undertaken in parallel to achieve negotiated lasting settlements between Israel and Lebanon and between Israel and the Syrian Arab Republic.

15. **Mr. Islam** (Bangladesh) said that, while some developments in the Occupied Territory had raised hopes that the situation was improving, they had quickly evaporated in the wake of Israel's continued use of counterproductive policies and practices. The human rights situation had reached a new low following unprecedented violence in June 2006. Israeli actions to subdue the legitimate Palestinian resistance had violated all known international humanitarian norms.

16. It was dismaying to note that the November 2005 Agreement on Movement and Access had failed to improve the situation. Instead, heavier restrictions on movement had been imposed on Palestinian goods, services and people, taking economic activities below subsistence levels. Israel's sanctions and closure regimes had increased unemployment and poverty, aggravating the humanitarian situation. Despite international condemnation, Israel continued to build the separation wall well inside Palestinian Territory, destroying Palestinian settlements and cutting off Palestinian access to basic necessities. The wall and Israeli segregation policies undermined the territorial integrity of Palestine, sapped the morale of the Palestinian nation, and constituted serious impediments to the road map and to the achievement of a two-State solution. The construction of the wall must be stopped and existing segments dismantled without delay.

17. Israel, the occupying Power, was systematically trampling the basic human rights of the Palestinian

people in complete disregard of its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War. Bangladesh was gravely concerned about Israeli practices in the Occupied Territory, supported the inalienable right of the Palestinian people to a sovereign homeland, called on Israel to withdraw its forces from the Occupied Territory, to exercise restraint and to halt its violent policies and practices. His delegation was deeply troubled by the unprecedented levels of anger, misery and disillusionment with the role of the United Nations among the Palestinian people, and their belief that they were being neglected by the international community. Noting that the Quartet road map was important to the peaceful resolution of the conflict, he expressed his delegation's full support for the Committee's recommendations.

18. **Ms. Djeffal** (Algeria) said that Israel had once again confirmed its contempt for the international community by launching an unrestrained military campaign against Gaza civilians. Rather than correcting the wrongs it had committed, Israel questioned the validity of the work of and refused to cooperate with the Special Committee. She reiterated her delegation's support for the Special Committee and noted that its indispensable work would not be completed until the occupying Power ended its inhuman practices against the Palestinian people.

19. Israel continued to commit, in total impunity, large-scale human rights and international humanitarian law violations in the Occupied Territory. Israel's repressive policies served only to fuel the hatred that would generate future crises in the Middle East. Israel had expressed its compassion for Palestine refugees and its desire to live in peace with its Palestinian neighbours, yet its excessive and disproportionate use of force against unarmed civilians, and its policy of demolishing houses, and bombing infrastructure and agricultural land to make their lives unbearable, were not neighbourly. Moreover, she hoped that Israel's action in Lebanon were not a sign of the good neighbourly relations it envisioned for the region. It was not by chance that one of the first actions of the newly established Human Rights Council was to dispatch an urgent fact-finding mission headed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967; indeed, it was troubling to note that human rights violations had increased and that the economic and social situation had deteriorated since Israel withdrew from Gaza. Israel's right to self-defence and the fight against terrorism were repeatedly used as pretexts for unrestrained attacks against Palestinians. The exercise by the Palestinian people of their democratic right to elect their own leaders in early 2006 merely served as an additional incentive to Israel to inflict collective punishment on them.

20. The Gaza Strip had been transformed into a vast prison. It was regrettable that donors had been blackmailed by Israel into withholding aid to Palestinians; the net effect was abject poverty, widespread despair and unemployment — all dangerous ingredients in an already unstable region. Israel continued to defy international law, including the advisory opinion of the International Court of Justice, by its building of the separation wall, and to disregard United Nations resolutions urging implementation of the road map. Israel's settlement policies were inconsistent with the provision under the road map for the establishment of two States, living side by side in peace. Her delegation was also concerned about the harassment of the residents of the Occupied Syrian Golan, who were being forced to accept Israeli identities. Finally, Algeria endorsed the Special Committee's recommendations, in particular the recommendation encouraging the media to give wide coverage to the human rights and humanitarian crisis in the Occupied Palestinian Territory, in order to highlight the dire humanitarian situation endured by the people of Palestine, and to prevent its trivialization.

21. *Mr. Andersson (Sweden), Vice-Chairperson, took the Chair.*

22. **Mr. Maleki** (Islamic Republic of Iran) said that the work of the Special Committee should continue. Although the Special Committee's report was incomplete, it clarified the brutal practices of the occupying Power. The Special Committee should be granted access to the Occupied Territory in order to gather complete information. In view of the lack of information, his delegation supported dispatching regular fact-finding missions of the Special Committee and of the Special Rapporteur on the situation of human rights on Palestinian territories occupied since 1967.

23. The humanitarian and economic situation in the Occupied Territory, including the Occupied Syrian Golan, had further deteriorated owing to Israel's

relentless military campaign. Israel continued to subject women and children to all kinds of violence. The illegal construction of the separation wall continued, as did its dire humanitarian consequences, including restrictions on movement, lack of access to basic necessities and a corralling of Palestinians that in other countries would be called ethnic cleansing. The wall required the immediate attention of the international community. His delegation fully supported the recommendations contained in the Special Committee's report, including the recommendations requesting the Security Council to ensure that Israel complied with the advisory opinion of the International Court of Justice and General Assembly resolution ES-10/15, and requested the Council to consider sanctions against Israel if it persisted in paying no attention to its international obligations; and to ensure that other States were not directly or indirectly assisting in the construction of the wall and that bilateral agreements between Israel and other States did not violate their obligations under international law.

24. As in previous years, independent journalists covering events in the Occupied Territories were often victims of Israeli violence and his delegation called on the Secretary-General to seek ways to assist them in safely and fully discharging their duties. Finally, boycotting and paralysing the democratically elected Palestinian Government was unjustifiable; it was indeed regrettable that certain countries had taken the unacceptable step of punishing the Palestinian people for exercising their right to elect a government of their choice. That kind of behaviour only emboldened the occupying Power to commit more crimes and human rights violations.

25. **Mr. Khallaf** (Saudi Arabia) said that Israel was able to persist in its refusal to allow the Committee to visit the Occupied Territories, and most recently refuse to allow the new Human Rights Council to send a fact-finding mission there, because of the wilful disregard of some and the inaction of the entire international community. On the West Bank, the continued construction of the separation wall was an example of Israeli policies that cut Palestinians off from relatives, land, schools, livelihoods and services. The recent attack on Beit Hanoun had been the latest example of the escalation of Israel's aggression against the Gaza Strip, which the Israeli Prime Minister had announced would continue until further notice.

26. Although it had withdrawn from the Gaza Strip, the Israeli army still controlled air, land and sea crossing points. The exercise by the Palestinians of their right to choose their Government in legitimate elections, far from improving their situation, had resulted in the paralysis of their economy owing to the withholding of international assistance and Israel's refusal to pay tax revenues collected on behalf of the Palestinian Authority, while Israeli banks were no longer allowed to have any contact with Palestinian banks. Those measures would inevitably lead to an increase in both poverty and acts of violence borne of despair. In the face of Israel's disregard of international resolutions and obstruction of peace efforts, the Special Committee needed to take all necessary measures to ensure implementation of the recommendations contained in its reports.

27. **Mr. Mbuende** (Namibia) said that the work of the Special Committee was an important component of the work of the United Nations. It was therefore of utmost importance that the Committee should be given the support necessary to carry out its work unhindered. It was regrettable that the Committee had not been given permission to undertake field visits to the Occupied Palestinian Territory, as reporting on the basis of first-hand information was always best. He hoped that the Committee would be allowed to visit the Occupied Territories in the future and that the field trips to Egypt, Jordan and the Syrian Arab Republic would take place as scheduled.

28. The most fundamental human right, the right to life, was being violated on a daily basis in the Occupied Territories. It was important to realize, however, that no amount of killing or detention or torture would kill the yearning of the Palestinian people for freedom and self-determination. It was equally important to realize that the destruction of the State of Israel was neither feasible nor desirable. The only sustainable solution was the peaceful co-existence of the State of Palestine with the State of Israel. He called upon members of the Quartet to implement the road map to achieve lasting peace.

29. **Mr. Kanaan** (Observer for Palestine), speaking in exercise of the right of reply, said that it was strange to hear the Israeli representative talking about the well-being of the Palestinian people and the waste of United Nations resources when Israel continued its aggression against the Palestinian people. Israel had to end its occupation of the Occupied Palestinian Territory,

including East Jerusalem, and the other Occupied Territories. Only then would the Palestinian people be able to achieve true well-being by establishing an independent Palestinian State. The Organization's resources could then be reallocated for other purposes. Israel's withdrawal from the Gaza Strip had not ended the Israeli occupation. Indeed, Israel was now reinforcing its occupation of Gaza and other Palestinian territories. The so-called "Autumn Clouds" operation, which might more properly be called the "Clouds of Occupation", was actually an operation aimed at collectively punishing the Palestinian people. It had resulted in the deaths of more than 60 Palestinian civilians, including, women and children, destroyed infrastructure and private homes, and prevented ambulances and medical personnel from carrying out their humanitarian work.

30. The Israeli representative had said that the Palestinian leadership was not abiding by the conditions of the Quartet, but had failed to mention Israel's non-compliance with legitimate international resolutions and international law, including international humanitarian law. He had talked about the openness of Israeli society and its concern for human rights, but had not mentioned the Israeli occupation forces' violations of the human rights of the Palestinian people in the Occupied Territories. The importance of the work of the Special Committee had once again been demonstrated, as had the need for that work to continue for as long as Israel continued its aggression and its human rights violations. No peace or stability could be achieved in the region until the Israeli occupation of Palestinian territory and other Arab lands ended and the Palestinian people were able to exercise their right to self-determination and to the establishment of an independent national state.

31. **Mr. Maleki** (Islamic Republic of Iran), speaking in exercise of the right of reply, said that his Government categorically rejected the false and baseless accusations levelled against the Islamic Republic of Iran by the representative of Israel. The Israeli regime had always suffered from a lack of legitimacy, so it was natural and predictable that its delegation would make such fabricated accusations against other countries. It had become a tired practice for the delegation of the Israeli regime to raise baseless and absurd allegations against others in a fruitless attempt to divert the international community's attention away from its horrendous terrorist attacks and crimes against humanity. The Israeli regime's delegation must explain to the Committee why Israel continued to perpetrate State terrorism, killing, war crimes and crimes against humanity; why it continued to occupy the Arab territories in violation of international law; and why it continued to pay no heed to the advisory opinion of the International Court of Justice regarding the construction of the illegal separation wall, which had been condemned by the international community as a symbol of injustice. Indeed, it had come to be known as the "apartheid wall". His Government had long supported the Palestinian resistance against foreign occupation, and would continue its cooperation with any Palestinian Government established as a result of a democratic process.

32. **Mr. Taleb** (Syrian Arab Republic), speaking in exercise of the right of reply, said that by talking about the United Nations and its resources, the representative of Israel had once again tried to divert the Committee's attention away from the discussion of his country's violation of human rights in the Occupied Territories. He disregarded the fact that Israel had not implemented the relevant United Nations resolutions. The responsibility of the United Nations in respect of the Palestine question in general, and the violations of human rights in the Occupied Territories in particular, was a historic, moral and legal one which flowed from the Charter itself. Israel had refused to receive the Special Committee yet it claimed that the Committee's report was one-sided. If Israel had nothing to hide, why had successive Israeli Governments refused to allow the Committee to visit the Occupied Territories? Israel continued to ignore and defy international law and to practise State terrorism and organized crime. He appealed to the international community, just once, to hold Israel to account.

33. **Mr. Gidor** (Israel), speaking in exercise of the right of reply, said that it was always very instructive to be lectured on terrorism by the Syrian Arab Republic and the Islamic Republic of Iran, the world's two leading authorities on the subject. It was no less comical to be lectured on human rights by representatives of countries that were famously open, liberal and democratic, countries where women were denied the most basic human rights and privileges and were sometimes forcibly circumcised, where the justice system was medieval and freedom of speech was a mythical concept. He wondered whether the

representative of the Sudan could also indicate the source of his fantastical figures concerning Palestinian casualties. Did they come from the famously reliable and free Sudanese press? Perhaps he had confused the issue under discussion with the genocidal activities of his own Government in Darfur. His Iranian colleague represented one of the world's darkest regimes, headed by a President who denied the Holocaust and whose Government was busy amassing weapons of mass destruction. The very fact that such a regime embraced the Special Committee's report was highly indicative of that report's professional standards.

34. The Fourth Committee had become a venue in which the representatives of the world's most oppressive and backward-looking regimes took turns criticizing the only democracy in the Middle East. The Fourth Committee should restore its reputation as a serious and reliable United Nations organ by terminating, once and for all, the mandate of the Special Committee.

35. **Mr. Ali** (Sudan), speaking in exercise of the right of reply, said that the figures he had cited came from the report of the Special Committee (A/61/500), not the Sudanese press, although the mass media had indeed documented for all to see Israel's massacre of Palestinians. In fact, the figures being cited in the Sudanese press were even worse than those in the report. As for what was happening in Darfur, that was not the issue under discussion, and in any case the situation in Darfur would soon be resolved.

36. Noting the representative of Israel's reference to backward regimes, he wondered whether there was anything more backward than occupation, throwing children into prison, preventing doctors from functioning and patients from going to hospital, and demolishing homes and burying their occupants inside. In his view, Israel should be ashamed of labelling other governments as backward.

37. **Mr. Taleb** (Syrian Arab Republic), speaking in exercise of the right of reply, said that the report of the Special Committee and the reports submitted by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 confirmed that Israel continued to bombard the Gaza Strip and that it continued its assassination of Palestinians. Those reports highlighted issues relating to food, poverty and the deterioration of public health in the occupied territories. Those issues should be the focus of the Committee's discussion, but the representative of Israel wanted to avoid discussing them and insisted on talking about other matters instead. He claimed that his Government, which everyone knew was an occupation Government, was democratic, but he deliberately avoided mentioning that his Government, which wanted to give others lessons in democracy, had not respected the will of the Palestinian people. Democracy meant respecting the will of others, but the supposedly democratic Government of Israel sought, instead, to impose its will on others by detaining the leaders of the Palestinian people and by engaging in State terrorism and organized crime. He therefore reiterated his support for the work of the Special Committee.

38. **Mr. Maleki** (Islamic Republic of Iran), speaking in exercise of the right of reply, said that it was ridiculous and laughable for the representative of Israel to claim that the Israeli regime was the only democracy in the Middle East. If Israel was the model for democracy, his country would prefer not to have democracy at all, particularly if it resulted in the establishment of a government that behaved like a savage animal, massacring innocent people.

The meeting rose at 11.55 a.m.